

Patent
033134.2095UTL1

REMARKS

Upon entry of the above amendments, claims 74 and 89-93 will be pending. The claim amendment corrects a simple typographical error in the claims as originally written, changing recitation of "12" to "17" in claim 74. Claims 89-93, which are dependent on claim 74, otherwise remain unchanged. The error in claim 74 served as the basis for rejections predicated on alleged indefiniteness and lack of enablement. Correction of the error herewith is respectfully submitted to conveniently overcome both rejections, placing the affected claims in condition for allowance, and thus eliminating any issues for appeal. No new matter has been introduced as amended claim 74 finds full support, e.g., on page 18, lines 25-26 of the specification.

The amendment, given the nature of the error, should not be viewed as made for reasons related to patentability, and the full scope of equivalents under the doctrine of equivalents should remain available for the affected claims.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and request early Notice thereof. Should any issues or questions remain, the Examiner is encouraged to telephone the undersigned at 858.485.0513 so that they may be promptly resolved.

A Notice of Appeal is filed herewith and the Examiner is authorized to debit deposit account 01-0430 for the appropriate amount and any other amount that may be due in connection with this filing.

Respectfully submitted,

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MARKED UP VERSION

74. (Thrice Amended) A compound comprising a peptide chain approximately [12] 17 to 40 amino acids in length that binds to G-CSFR and displaces or prevents the binding of G-CSF at the G-CSFR, and contains a sequence of amino acids having the formula LLDICELKLQECARRCN (SEQ ID NO: 208).